

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8206 OF 2005

The State of Maharashtra.	...Applicant
V/s.	
Mr.Salim Husen Solkar & Ors.	...Respondents

Ms.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 9, 2006

P.C. :-

. Heard learned APP for the State.

. This is an application for cancellation of bail.
The respondents were granted anticipatory bail by the
Sessions Judge, Raigad-Alibag.

2. The learned APP for the State submitted that the
offence under Section 323, 326 was registered against
the respondents vide C.R.No.109/2005.

3. I have perused the order passed by the Sessions
Court. The Sessions Court has observed that respondents
no.2 to 15 have not committed any over acts. There is
evidence of witnesses who have stated that respondent
no.1 had given blow on the back of the complainant with

a stick. The Injury Certificate which is produced by the learned APP discloses that the injured person Kasim had received confused lacerated wound on his hand and leg and there was one injury on his back.

4. Considering the nature of injuries and the evidence, in my view, the trial Court has correctly assessed the material on record and has granted anticipatory bail. The record indicates that there was civil dispute between the parties which has resulted in the altercation between the rival groups.

5. Learned APP has submitted that the respondents have not co-operated with the Investigating Officer. It is open for the Investigating Officer to record the statements of the witnesses and file chargesheet and for that purpose the custodial interrogation of the respondents, in my view, is not necessary.

. Application for cancellation of bail is, therefore, rejected.

(V.M. Kanade, J.)